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PTO/SB/64 (08-08)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Anil Bakaya

Application No.: 09/926,598

Art Unit: 3693

Filed: 01/17/2002

Examiner: Weisberger, Richard C.

Title: METHOD AND DATA PROCESS SYSTEM FOR ANALYZING AND TIMING BUY/SELL TIPS AS AN AID TO INVESTMENT DECISION
MAKING ON A TRADEABLE ASSET OR SECURITY

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of 1) Original Claims Listing and 2) Preliminary Amendment (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on 02/09/2008 MBLANCO 05000910 09926598
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Anil Bakaya Signature Dhiraj Dylan Bakaya

08/07/08

Date

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Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anil Bakaya et al.

Application No.: 09/926,598

Filed: January 17, 2002

For: METHOD AND DATA PROCESS
SYSTEM FOR ANALYZING AND
TIMING BUY/SELL TIPS AS AN AID TO
INVESTMENT DECISION MAKING ON
A TRADEABLE ASSET OR SECURITY

Confirmation No.: 6678

Examiner: Weisberger, Richard C.

Technology Center/Art Unit: 3693

COMPLTE LISTING OF CLAIMS AS
FILED IN THE INTERNATIONAL
APPLICATION NO. PCT/AU00/00551

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby provide complete listing of claims, as filed in the International application No. PCT/AU00/00551, to correct deficiencies pointed out in the previous Office action. This paper is filed along with petition to revive the application.

Complete Listing of the Claims as filed in the International application No. PCT/AU00/00551 begins on page 2 of this paper.

Listing of Claims as filed in the International application No. PCT/AU00/00551:

1. A method for analysing data and determining the timing of buy/sell tips as an aid to making an investment decision tradeable assets or securities including the steps of
 - (a) receiving data on a number of specified assets or securities,
 - (b) determining the technical strength of each asset or security from recorded market characteristics of the security as a function of the volume trade of the security, the price at which the trade took place, and the direction of movement of the price, and ranking the technical strength of each asset or security,
 - (c) selecting tradeable asset or securities having a ranking or value of technical strength above a predetermined ranking or value,
 - (d) determining the fundamental strength of those selected assets or securities based on one or more of a group of selected variables and ranking those selected assets or securities, based on the fundamental strength, and
 - (e) selecting or facilitating the selection of securities which are suitable for purchasing and/or securities which are suitable for selling based on the combination of the technical strength and fundamental strength of the security.
2. The method of claim 1 wherein a volume index is calculated as
$$\text{Volume Index} = \frac{\text{Actual volume over a length of time}}{\text{average volume/over the same length of time}}$$
3. The method according to claim 2 wherein a table is created listing the volume index of each tradeable asset or security in a selected group of tradeable assets or securities in ascending or descending order over a predetermined period of time.
4. The method of claim 3 wherein the technical strength of an asset or security is a combination of the price movement of the asset or security and the volume index.

5. The method of claim 4 wherein an asset or security having a combination of a high volume index and an upward relative price movement is defined as having an upward technical strength or momentum up.

6. The method of claim 4 wherein an asset or security having a high volume index and a downward relative price movement relative to the table of volume indices is defined as having a downward technical strength or momentum down.

7. The method according to claim 1, wherein at least one fundamental strength characteristic is selected depending on the market sector and possible market capitalisation and the asset or securities selected on the basis of technical strength are marked according to said fundamental strength characteristic.

8. The method according to claim 7 wherein the fundamental strength is a function of the volume index and at least one of the criteria selected from the group including:

- (i) Dividend yield.
- (ii) NTA/Price.
- (iii) P/E .
- (iv) P/EBITDAPS.
- (v) P/EVAPS.
- (vi) Discount to Historical High or Premium to Historical Low.
- (vii) Gearing level.
- (viii) Discount/Premium to Brokers' Recommended Buy/Sell Price.
- (ix) Price to sales per asset or security.
- (x) Market capitalisation.
- (xi) Stocks which are market leaders or have a position of market dominance or high market share in their respective industry/principal market.
- (xii) Stocks which had return on shareholders' equity greater than amount say 15% per annum or 25% per annum in last/X financial year or financial quarter.

- (xiii) Stocks which have high quality credit rating from rating agencies such as Standard & Poor's, Moody's, other rating agencies etc.
- (xiv) Identify stocks as per pre-selected categories of credit ratings.
- (xv) Stocks which have low or high (on a relative basis) P/CFPS where CFPS is per share free cash flow defined by earnings plus depreciation minus capital spending minus dividends.
- (xvi) Stocks which have low volatility/high volatility.
- (xvii) Stocks where top executives or top 20 shareholders have significant shareholding in the company.
- (xviii) Stocks which are at a premium/discount to industry group or an overall market based on various criteria.
- (xix) Stocks which have high/low gross margins.
- (xx) Stocks which have a debt level less/more than industry benchmark or S&P 500 or any other appropriate benchmarks.
- (xxi) Stocks which have a good/erratic track record of profitability.
- (xxii) Stocks where inventories are declining/increasing.
- (xxiii) Stocks where major new products/services have been launched or where new management is in place.
- (xxiv) Stocks where insiders are selling more than average or where insiders are buying more than average. Identify stocks where institutional sponsors are increasing/decreasing.
- (xxv) Stocks where there is growth/decline in physical volumes of sales or production or inventories.
- (xxvi) Stocks where profit margins are rising (buy opportunity/signal/tip) or falling (sell opportunity/signal/tip), stocks where return on capital employed is higher/lower than an industry benchmark and stocks where earnings/revenue is higher/lower than an industry benchmark.
- (xxvii) Stocks which have a higher/lower than benchmark/average growth in sales/profits/physical volumes/inventories.

(xxviii) Stockmarkets of countries where economic conditions are better or worse than before. For inter-stockmarket comparisons volume indicator in value or dollar terms may be used for computation of volume index.

(xxix) Stocks which have a low cost structure defined by operating cost per unit produced or by other criteria.

(xxx) Stocks which have higher than average growth rate in earnings per share (EPS), net tangible asset backing per share (NTA), gross cash flow per share (GCF), dividends per share (DPS).

(xxxi) Among certain sectors like bank stocks certain specific criteria may be created eg. Total Income/Average Assets, Operating Costs/Average Assets, Bad Debt Charge/Average Assets. These criteria may be stated as higher or lower relative to a benchmark.

(xxxii) Stocks of distressed firms with negative earnings or negative book values.

(xxxiii) Make international comparisons of relativities as per various criteria spelt out and as per criteria which may be added/introduced later.

(xxxiv) Other criteria for value selection like Benjamin Graham's criteria or 200-day moving average comparisons or any other criteria of selection may be introduced in the program.

9. A data processing system including a means to receive data on a number of specified assets or securities,

a data processing means programmable to use at least one of plurality of filter criteria to analyse said data in accordance with the method of any one of claims 1-5, and

a means to output the results of the analysis.

10. A computer program for carrying out the method in accordance with any one of claims 1-8.

11. The computer program according to claim 10, in which the buy signals/tips and sell signals/tips in accordance with the combination of technical strength and fundamental strengths are displayed in accordance with their ranking.

12. A method of preparing and updating a selection of tradeable assets or securities comprising the steps of:-

initially receiving and analysing data in accordance with claim 1, inputting or deriving a selection group of said tradeable assets or securities, and

regularly or continuously receiving and analysing data to update said selection group.

13. The method of claim 12 wherein the fundamental strength characteristics are regularly or continuously updated.

14. The method of claim 1 or 12 wherein the selection group of tradeable assets or securities and the selection criteria relevant to each selection is displayed.

15. A data processing system including a means to receive data on a number of specified assets or securities,

a data processing means programmable to use at least one of plurality of filter criteria to analyse said data in accordance with the method of any one of claims 12-14, and

a means to output the results of the analysis.

16. A computer program for carrying out the method in accordance with any one of claims 12-14.

17. The computer program according to claim 16, in which the buy signals/tips and sell signals/tips in accordance with the combination of technical strength and fundamental strengths are displayed in accordance with their ranking.

18. A method of reviewing a portfolio of tradeable assets or securities including the steps of

- (a) receiving data on a number of specified assets or securities,
- (b) determining the technical strength of each asset or security from recorded market characteristics of the security or asset as a function of the volume traded of the security or asset, the price at which the trade took place, and the direction of movement of the price, and ranking the technical strength of each asset or security in ascending or descending order,
- (c) selecting a tradeable asset or security having a ranking or volume of technical strength above a predetermined ranking,
- (d) determining the fundamental strength of those selected assets or securities based on one or more of a group of selected variables and ranking those selected assets or securities based on their fundamental strength.
- (e) selecting or facilitating the selection of assets or securities which are suitable for purchasing and/or assets or securities which are suitable for selling based on the combination of the technical strength and fundamental strength and establishing buying and selling benchmarks based on these selections,
- (f) receiving data on each tradeable asset or security in said portfolio of assets or securities,
- (g) determining the technical strength and fundamental strength of each portfolio asset or security, and
- (h) comparing the technical and fundamental strength of each portfolio asset or security with the buying and selling benchmarks established in step (e).

19. The method of claim 18 wherein the comparison of step (h) is the basis of providing buying, selling or hold recommendations.

20. The method of claim 19 further including the step of displaying the recommendations for the individual asset or securities in the portfolio of assets or securities.

21. The method of reviewing a portfolio of assets or securities of claim 20 wherein the steps of establishment of buying and selling benchmarks comparison of each asset in the portfolio of assets and providing recommendations are performed on a continuous or regular basis.

22. The method according to claim 18 wherein the determination of the technical strength of an asset or security is conducted by calculating a volume index as:-

$$\text{Volume index} = \frac{\text{actual volume over a length of time}}{\text{average volume over the same length of time}}$$

and using the volume index in conjunction with the magnitude and direction of the price movement of the asset or security as said technical strength.

23. The method according to claim 22 wherein at least one fundamental strength characteristic is selected depending on the market sector, and the assets or securities selected on the basis of technical strength are marked according to said selected one or more fundamental strength characteristics.

24. A data processing apparatus including a central processing unit having means to receive data on a number of specified assets or securities, a data processing means programmable to use at least one of a plurality of filter criteria to analyse said data in accordance with the method of any one of claims 18-23, and a terminal means remote from said central processing unit and operatively connectable to said central processing unit, to output results of the analysis.

25. A computer program element comprising a computer program code means to make a computer execute the method according to one of claims 1 to 8.

26. A computer program for carrying out the method in accordance with one of claims 18-23.

27. A computer program element comprising a computer program code means to make a computer execute the method according to one of claims 18-23.

28. The method of claim 1 including a further step of accessing a database of information relevant to the assets or securities selected and displaying said relevant information.

29. The method of claim 18 including a further step of accessing a database of information relevant to the assets or securities in said portfolio and selecting and displaying information related to the assets or securities in said portfolio.

30. The data processing apparatus of claim 24 further including a means of accessing a database of information relevant to the assets or securities in said portfolio, means for selecting information related to the assets or securities in said portfolio, and means for displaying said related information on said terminal means.